IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Crl.MC.No. 2083 of 2007()

CMP.1848/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II,NEYYATTINKARA

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PETITIONER: ACCUSED

SHIJU, S/O VISWANATHAN,
S.V.HOUSE, PULIYOORKONAM, PAYATTUVILA,
KOTTUKAL VILLAGE, NEYYATTINKARA.

BY ADV. SRI.S.D.ASOKAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, VIZHINJAM THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2083 of 2007

Dated this the 5th day of July 2007

O R D E R

The petitioner challenges Annexure B order. By that order, the petitioner's application for release of a computer to his interim custody has been rejected by the learned Magistrate. The said computer with its accessories were seized by the police, in connection with the investigation of crime No.78/07 inter alia under Section 63 of the Copy Right Act. The learned Magistrate, in the light of the objections raised by the learned Public Prosecutor, rejected the prayer for release of the computer to the petitioner under Section 451 Cr.P.C.

2. The petitioner claims to be aggrieved by the said order refusing return of the computer to the petitioner. The learned Public Prosecutor was directed to take instructions. The learned Public Prosecutor, after taking instructions submits that the investigation is now complete and the police have no objection against release of the computer to the person entitled to possession of the same. The learned Magistrate may be

directed to peruse the relevant documents and release the same to whosoever is entitled to possession of the same subject to appropriate safeguards.

3. In the light of the stand taken by the learned Public Prosecutor, I am satisfied that this Criminal Miscellaneous Case can now be allowed. Annexure B order can be set aside. The learned Magistrate shall consider the said application afresh. The learned Magistrate shall take note of the fact that the prosecution has no objection against the release of the computer to the person entitled to possession of the same. The learned Magistrate shall now proceed to pass appropriate orders afresh.

4. Issue copy of the order to the learned counsel for the petitioner. The petitioner may appear before the learned Magistrate with a copy of this order on 23/7/2007. The learned Magistrate shall proceed to pass appropriate further orders expeditiously.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007